

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 23, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman

Commissioners Absent: Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 16, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Steinman seconded approval of the Board of Equalization minutes dated January 16, 2001. Campbell, Hudkins and Steinman voted aye. Heier abstained. Motion carried.

- 2) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

The Catholic Bishop of Lincoln
Indian Center, Inc.
Madonna Rehabilitation Hospital
Nebraska Annual Conference of the United Methodist Church
Our Lady of Guadalupe Seminary, a division of The Priestly Fraternity of St. Peter
St. Elizabeth Regional Medical Center
St. John's Bus Corp
Union College

2) **MOTOR VEHICLE EXEMPTIONS CONTINUED:**

MOTION: Steinman moved and Heier seconded approval of the motor vehicle tax exemptions for The Catholic Bishop of Lincoln, Indian Center, Inc., Madonna Rehabilitation Hospital, Nebraska Annual Conference of the United Methodist Church, St. Elizabeth Regional Medical Center, St. John's Bus Corp and Union College and to also approve motor vehicle tax exemptions for Our Lady of Guadalupe Seminary, a division of The Priestly Fraternity of St. Peter subject to the applicant titling and registering the vehicles. Heier, Campbell, Steinman and Hudkins voted aye. Motion carried.

3) **ADJOURNMENT**

MOTION: Steinman moved and Hudkins seconded adjournment of the Board of Equalization. Steinman, Heier, Campbell and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

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- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 16, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Steinman moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting dated January 16, 2001. Campbell, Hudkins and Steinman voted aye. Heier abstained. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, January 23, 2001.

MOTION: Hudkins moved and Steinman seconded approval. Heier, Campbell, Steinman and Hudkins voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

- A. County Miscellaneous Number 00012, requested by the Lancaster County Engineer, to amend the County Subdivision Resolution to add text, to delete outdated language and update references regarding minimum improvements.**

The Chair opened the public hearing.

Larry Worrell, County Engineering Department, explained the request was to update the County Subdivision Regulations amending outdated language in reference to standard specifications for the Nebraska Department of Roads. He also stated it would amend the paving requirements.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Steinman moved and Heier seconded to direct the County Attorney's office to draft a resolution approving County Miscellaneous Number 00012. Steinman, Heier, Campbell and Hudkins voted aye. Motion carried.

The Clerk read Public Hearing Items 3B and 3C together.

- B. County Change of Zone Number 201, from "AG" Agricultural to "AGR" Agricultural Residential, requested by Lyle Loth of ESP on behalf of South 68th Street, L.L.C., on property generally located at the southeast corner of South 68th Street and Roca Road in Lancaster County, Nebraska.**
- C. Preliminary Plat Number 00018, Hickman Ridge Estates (formerly known as "Roca Ridge"), requested by Lyle Loth of ESP on behalf of South 68th Street, L.L.C., for 33 lots on property generally located at the southeast corner of South 68th Street and Roca Road in Lancaster County, Nebraska.**

The Chair opened the public hearings.

Kent Seacrest, attorney representing South 68th Street L.L.C., appeared and gave a brief history regarding the proposal creating 33 lots on property abutting South 68th Street on the east and Roca Road to the south.

3) **PUBLIC HEARINGS CONTINUED:**

Seacrest said 90 percent of the development is within the County's jurisdiction, with ten percent being in the City of Hickman's one-mile jurisdiction. He noted there was opposition to the proposal at the Planning Commission meeting from the City of Hickman and property owners in the neighboring Leisure Lake Estates subdivision. To address those concerns, the applicant agreed to the following:

- ▶ Major redesign of the project.
- ▶ Protection of all tree masses.
- ▶ Protection of material wetlands.
- ▶ Meet storm water standards to ensure drainage at a pre-development level.
- ▶ Provide a fire pond.
- ▶ Work with the City of Hickman to strengthen their Comprehensive Plan.
- ▶ Work with the City of Hickman to work with the County Board to strengthen the issue of acreages around the villages and cities of the County.
- ▶ Work with the County Engineer and the City of Hickman to accelerate the construction of turn lanes on South 68th Street.

Seacrest stated the City of Hickman has approved the Change of Zone and the Preliminary Plat and that there is a recommendation of approval from the Planning Commission.

In response to a question asked by Heier regarding the number of lagoons involved in the proposal, Seacrest stated percolation tests have not been conducted, however, in neighboring acreages two-thirds of the systems are septic and one-third are lagoons.

Heier asked if changes to requirements for septic systems and percolation tests have been done by the County-City Health Department.

Hudkins asked if there is criteria for determining use of a lagoon when a septic system cannot be used.

Seacrest stated they would comply with the Department of Health's standards.

Heier asked if percolation tests could be conducted prior to the construction of homes.

3) **PUBLIC HEARINGS CONTINUED:**

Mike Dekalb, Planning Department, explained that a property owner would need to know the location of where the home would be constructed on the three acre parcel before a percolation test could be conducted to determine the type of sewage system, otherwise, percolation tests would have to be conducted over the span of the acreages.

The Chair asked if anyone else wished to provide testimony.

Paul Johnson, Leisure Lake Estates Association, appeared and commended the development for addressing their concerns regarding the proposal. He noted traffic and safety issues continue to be concerns. Johnson suggested that a turn lane also be constructed for Leisure Lane.

The Chair closed the public hearing.

MOTION: Steinman moved and Heier seconded approval of County of Change of Zone Number 201 and Preliminary Plat Number 00018, Hickman Ridge Estates. Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

4) **OLD BUSINESS:**

A. An agreement with Lancaster Rural Water District Number 1 of Bennet, Nebraska to adjust the District's facility in relation to County Project C55-P-409(2), Pioneers Boulevard from South 98th Street to South 112th Street. The County's estimated cost is \$58,141.03. (C-01-13)

MOTION: Hudkins moved and Steinman seconded approval. Steinman, Campbell and Hudkins voted aye. Heier abstained because of a conflict of interest. Motion carried.

4) **OLD BUSINESS CONTINUED:**

- B. An Intergovernmental Memorandum of Agreement between the State of Nebraska, Department of Health and Human Services and Lancaster County for providing community based residential and non-residential evaluations for youth of the Southeast Service Area, beginning February 1, 2001 and ending January 31, 2002. The County will be paid \$21,521 per month, beginning April 1, 2001 for the services provided. (C-01-21)

By direction of the Chair, the Intergovernmental Memorandum of Agreement with the Nebraska Department of Health and Human Services was held one week or until the County Attorney's office places the item back on the agenda.

5) **NEW BUSINESS:**

- A. A contract between Lancaster County and the Board of Regents, University of Nebraska, University of Nebraska Public Policy Center for consulting services for a completed eight month plan of implementation of the Comprehensive Needs Assessment activities, beginning November 1, 2000 and ending June 30, 2001. The County will pay up to \$75,000 for services as listed in the proposal response. (C-01-39)

MOTION: Steinman moved and Hudkins seconded approval. Campbell, Steinman, Heier and Hudkins voted aye. Motion carried.

- B. A contract between Region V Systems and the Lancaster County Community Mental Health Center for services under the Projects for Assistance in Transition from Homelessness (PATH), beginning October 1, 2000 and ending September 30, 2001. (C-01-42)
- C. A network provider contract between Region V Systems and the Lancaster County Community Mental Health Center for comprehensive mental health, alcoholism and drug abuse services, beginning July 1, 2000 and ending June 30, 2001. The County will be reimbursed as provided in Appendix A. (C-01-41)
- D. Amendment number 1 to a network provider contract with Region V Systems for comprehensive mental health, alcoholism and drug abuse services. The reimbursement is amended as provided in the new Appendix A. (C-01-40)

5) **NEW BUSINESS ITEMS CONTINUED:**

David Johnson, Deputy County Attorney, requested that New Business Items B, C and D be held.

MOTION: Steinman moved and Heier seconded to hold New Business Items B, C and D with Region V Systems. Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

E. An amendment to contract C-01-1 with Mary L. Paine Ph.D. for payment of 35.75 hours of work from October to December, 2000, at a rate of \$55 per hour. The original contract was approved on January 9, 2001. (C-01-31)

MOTION: Steinman moved and Heier seconded approval. Hudkins, Heier, Campbell and Steinman voted aye. Motion carried.

F. A resolution concurring with an award of low bid for Project BRO-7055(98), Waverly Northeast, Lancaster County Structure Numbers A-171 and A-172 to Christensen Bros of Cherokee, Iowa, in the amount \$910,090.39. (R-01-4)

MOTION: Hudkins moved and Steinman seconded approval of Resolution 01-4. Campbell, Heier, Steinman and Hudkins voted aye. Motion carried.

G. Recommendation from the Purchasing Agent and Lancaster Manor to award a bid for interior wall covering installation to A.A. Leupold & Son, in the amount of \$51,860. (B-01-3)

MOTION: Hudkins moved and Steinman seconded approval. Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

H. Request from the Personnel Policy Board to amend paragraph (c), Reprimand, of Lancaster County Personnel Rule 11.2 - Reprimand, Suspension, Dismissal, Investigative Leave and Demotion. (M-01-3)

MOTION: Steinman moved and Heier seconded approval. Campbell, Hudkins, Heier and Steinman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- I. **A political subdivision tort claim filed against the Corrections Department by William C. Fowler, in the amount of \$306.98, for lost property.**

MOTION: Steinman moved and Heier seconded to accept the Director's recommendation and deny the tort claim. Heier, Campbell, Steinman and Hudkins voted aye. Motion carried.

- J. **A contract with Derek Grimmell, Ph.D. for psychological services at the Community Mental Health Center for ten hours per week, beginning November 1, 2000 and ending October 31, 2001. The County will pay \$27,048 for the term of the contract. (C-01-44)**

MOTION: Steinman moved and Hudkins seconded approval.

Dean Settle, Executive Director of the Community Mental Health Center, stated the contract is for the psychologist who conducts the evaluations for out-of-county individuals who are admitted to the Crisis Center.

ROLL CALL: Steinman, Heier, Campbell and Hudkins voted aye. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. **County Attorney's Quarterly Report from October 1, 2000 through December 31, 2000.**

- B. **A service agreement with Alltel for maintenance of telephone equipment located at Lancaster Manor, beginning February 23, 2001 and ending February 22, 2002. The County will pay \$3,587.58 per year. (C-01-38)**

6) **CONSENT ITEMS CONTINUED:**

C. Right-of-way contracts between Samuel L. Price, Trustee, and the Lancaster County Engineer relating to road improvements on South 68th Street from Hickman Road to Saltillo Road; Project STPE-3265(6) (2 contracts) (C-01-36 and C-01-37)

MOTION: Heier moved and Steinman seconded approval of the Consent Items. Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

7) **OTHER BUSINESS:**

Steinman stated she had received a telephone call from a resident living in the Yankee Hill neighborhood who informed her of a fight, involving approximately 30 individuals, at Coaches Bar and Grill on Monday night. She stated she had requested that Sheriff Wagner attend the meeting to inform the County Board of the incident.

Terry Wagner, County Sheriff, explained deputies were detailed to Coaches in connection with a fight involving 30 patrons, however, none of the participants in the fight remained at the location upon the deputies' arrival. He indicated there were remaining patrons in the establishment, one of whom tested at .199 for a blood alcohol content. Another patron, he said, was a female minor who tested at .125. Wagner stated no deputies observed her being served alcohol, however, it is a violation that she was intoxicated and in the establishment. Wagner said no citations were issued, but the reports were forwarded to the Liquor Control Commission for action.

The County Board also wished Bruce Medcalf, County Clerk, a happy 50th birthday.

8) **ADJOURNMENT**

MOTION: Heier moved and Steinman seconded adjournment of the Board of Commissioners meeting. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk